



COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739

Telephone 707/ 263-1164 FAX: 263-1681

Lower Lake:

16185 Main Street, Lower Lake, CA 95457

Telephone 707/ 994-2257 FAX: 994-8950

James Brown
Health Services Director

Craig McMillan MD,
Health Officer

Raymond Ruminski, REHS
Environmental Health Director

July 9, 2007

JoAnn Jaschke
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

Re; Deficiencies Status Report from 2006 CUPA Audit, Third Quarter 2007

Enclosed you will find our status report on the deficiencies from our 2006 CUPA audit. We have had a minor set back. My partner, due to budget cuts, is now gone. I am again covering the whole county by myself. The tardiness of the Business Plan and Hazardous Waste inspections will not be improved in the foreseeable future. I will be training a Technician level person to help part time but she will not be doing any initial inspection for some time. I will be directing her to do follow up contacts until she is trained enough to go out alone. I will be going back to my previous priorities of keeping up with Underground Storage Tank Program and inspecting other facilities as I have time. We have instigated a new fee schedule effective July 1, 2007 but we will not know the effect of the fees for some time. I hope to be able to bring on more help at some time in the next several years.

I am making progress in the Cal – ARP Program. I am receiving Preliminary Risk Assessments submitted and am reviewing them. More are in the process of being formulated. I anticipate by the end of the year to be able to assess them and come to some decisions.

If you have any questions please call me 707-263-1164.

Sincerely;

Kenneth Williams, REHS
Hazardous Materials Specialist

Deficiencies and Corrective Actions

7-9-07

Deficiency #2: The CUPA is not remitting the state surcharge collected to the State.

CUPA Corrective Action: The State CUPA Program Surcharge payments of \$7,885.49 for the first three quarters of 2006, 7 were sent on or about April 13, 2007.

Deficiency #3: As noted in the 2005 CUPA evaluation, the CUPA is not regulating all agricultural handlers under the Business Plan program.

CUPA Corrective Action: A list of Farms is continuing to be developed. They are being inspected as opportunity arises.

Deficiency #4: As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program.

CUPA Corrective Action: This and number 10 are the same problem. The CUPA set an inspection schedule that will bring the County into compliance with the tri-annual requirement by July 2007, but with limited resources that schedule is now delayed.

Deficiency #5: As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities.

CUPA Corrective Action: Twenty - five potential Cal – ARP facilities have now been notified to submit a Preliminary Risk Assessment in 2007 or submit a full Cal – ARP plan by the end of 2007. The Preliminary Risk Assessments will be reviewed and evaluated as they come in. We have gotten several in but there are some stragglers. A second notice to comply is being sent, to have these sent in. Four PRA have been received and reviewed, two have discontinued use of CL2.

Deficiency #6: As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated.

CUPA Corrective Action: This same action is being taken for number 9. These are reviewed as part of our normal inspection process. As deficiencies are found in the inventory and the site map they are required to be updated. When compliance is accomplished a Return To Compliance note is made to the original inspection report. Until compliance is made, follow – up contact is done.

Deficiency #8: The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release.

CUPA Corrective Action: This County has been using the Unidocs Emergency Response Contingency Plan format for the last several years. On page #2 of this plan, on point number 4, letter a, sub number v, are the instructions to notify the State OES. As we are inspecting facilities this year, to get caught up with the tri – annual schedule, these plans are updated using this format. As follow – up contact is made and compliance is obtained an RTC is noted in the file.

Deficiency #9: UST plot plans reviewed did not contain all the required elements or were missing.

CUPA Corrective Action: See response number 6.

Deficiency #10: With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies.

CUPA Corrective Action: see response number 4.

Deficiency #12: As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process.

CUPA Corrective Action: We have now received Fire Department Chief's buy in on the exemption of business heating fuel from the Business Plan requirements. We are now planning the Public Hearing process.



Linda S. Adams
Secretary for
Environmental Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

CERTIFIED MAIL: 7003 1680 0000 6174 9088

July 27, 2007

Mr. Raymond Ruminski, Director
Division of Environmental Health
County of Lake
922 Bevins Court
Lakeport, California 95453

Dear Mr. Ruminski:

On July 12, 2007, the California Environmental Protection Agency (Cal/EPA) received Lake County's deficiency progress report date July 9, 2007 that explained the progress the Lake County CUPA is making towards correcting the deficiencies identified in the 2006 Certified Unified Program Agency Evaluation. Cal/EPA recognizes that the Lake County CUPA has had challenges in achieving a stable program. However, Cal/EPA has concerns with the progress report. The Lake County CUPA does not appear to be on track for meeting the agreed upon October 2007, deadline for addressing some of the deficiencies that was established during the April 19, 2007 follow up meeting. Cal/EPA's concerns are listed below:

In the progress report, the Lake County CUPA stated that is was successful in raising their fees. Cal/EPA is requesting a copy of the new fee schedule along with the projections to fund the program with the new fee schedule.

The Lake County CUPA's corrective actions for addressing deficiency 4 (not meeting the triennial inspection frequency for the Business Plan program) and 10 (not meeting the inspection frequencies for the hazardous waste facilities) indicates, "The CUPA set an inspection schedule that will bring the County into compliance with the tri-annual requirement by July 2007, but with limited resources that schedule is now delayed". Cal/EPA is requesting a revised inspection schedule, which should include a timeline indicating when the Lake County CUPA expects to be in compliance.

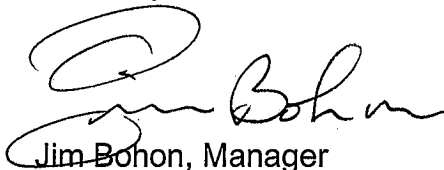
The cover letter indicates, "The tardiness of the Business Plan and Hazardous Waste inspections will not be improved in the foreseeable future."I will be going back to my previous priorities of keeping up with Underground Storage Tank Program and inspecting other facilities as I have time." Cal/EPA requests a better assessment of the impact of losing the part-time inspector. With the addition of the new part-time technician, there appears to be enough resources available to conduct all the 34 annual UST inspections and a considerable number of other inspections.

Mr. Raymond Ruminski
July 27, 2007
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The Lake County CUPA is tying the corrective action for deficiency 6 (updating the inventory forms of businesses) to when the facilities are being inspected. Correcting this deficiency does not have to be tied to an inspection. The Lake County CUPA could correct this deficiency by sending the businesses a letter requesting this information. This would allow an inspector to have this knowledge prior to inspecting the facility.

Please respond to the noted concerns by August 15, 2007. Given the long history of unsatisfactory evaluations indicating marginal program implementation, if the Lake County CUPA has not made additional progress in addressing the deficiencies by October 31, 2007, Cal/EPA will notify Lake County Board of Supervisors of its intent to elevate this to a formal Program Improvement Agreement. If you have any questions or need further assistance, you may contact me at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bohon". The signature is fluid and cursive, with the first name "Jim" and last name "Bohon" clearly distinguishable.

Jim Bohon, Manager
Cal/EPA Unified Program

Enclosures

cc: Mr. James Brown, Director
Health Services Department
County of Lake
922 Bevins Court
Lakeport, California 95453

Mr. Kenneth Williams
Hazardous Materials Specialist
Division of Environmental Health
County of Lake
922 Bevins Court
Lakeport, California 95453

Mr. Mickey Pierce (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Raymond Ruminski
July 27, 2007
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cc: Mr. Sean Farrow [SWRCB Evaluator] (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Jack Harrah [OES Evaluator] (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Mr. Francis Mateo [OSFM Evaluator]
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Ms. JoAnn Jaschke [Cal/EPA Evaluator]
Cal/EPA Unified Program
1001 I Street, 4th Floor
Sacramento, California 95814

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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION Evaluation Follow-up Meeting

CUPA: Lake County Environmental Health

Meeting Date: April 19, 2007

The CUPA has sufficiently corrected deficiencies 1, 7, and 11 identified in the 2006 CUPA evaluation conducted on October 18 and 19, 2006. No further updates are required for these deficiencies. The following is a status update and revised corrective action plan for correcting the remaining deficiencies, which was decided during the follow up meeting with the CUPA, Cal/EPA, SWRCB, OES, and DTSC on April 19, 2007:

Revised Preliminary Corrective Action

April through October 2007

The CUPA will focus on:

1. Maintaining the annual inspection frequency on UST facilities;
2. Conducting hazardous waste and business plan inspections on facilities; and
3. Analyzing their fees to ensure the fees are structured to encourage the most efficient and cost-effective operation of the program for which the single fees are assessed. Cal/EPA will provide the CUPA with sample fee structures and staffing levels from other CUPAs.

A summary of the discussion on the CUPA'S fees is explained at the bottom of this document.

Cal/EPA, DTSC, OES, and SWRCB are satisfied with the progress the CUPA is making towards correcting the remaining deficiencies explained in their deficiency progress report submitted to Cal/EPA on April 19, 2007.

Deficiency #2: The CUPA is not remitting the state surcharge collected to the State. According to the FY 04/05 annual single fee summary report, the CUPA collected \$8,508.70 in state surcharges. According to the FY 05/06 annual single fee summary report, the CUPA collected \$8,232 in state surcharges. However, the State records indicate that these amounts were not submitted to the State.

Cal/EPA response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress until the surcharges have been submitted to the state.

Deficiency # 3: As noted in the 2005 CUPA evaluation, the CUPA is not regulating all the agricultural handlers under the Business Plan program. Efforts are ongoing to inventory the population of agricultural handlers in the county.

Cal/EPA, DTSC, and OES response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

Deficiency #4: As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program. In FY 04/05, the CUPA inspected 86 of 293 businesses. In FY 05/06, the CUPA inspected 53 of 303.

Cal/EPA and OES response: Completing inspections was identified as a priority for April through October 2007. Cal/EPA will continue tracking this progress.

Deficiency #5: As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities. A mail-out informing these facilities of this requirement is currently in preparation.

Cal/EPA and OES response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

Deficiency #6: As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated. The CUPA is now using the Unified Program Consolidated Form to update the inventory.

Cal/EPA and OES response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

Deficiency #8: The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release. The CUPA is now using the boiler plate procedures that contain the instructions.

Cal/EPA and OES response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

Deficiency #9: UST plot plans reviewed did not contain all the required elements or the monitoring system information was missing.

Cal/EPA and SWRCB response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

Deficiency #10: With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies. The CUPA has made efforts to identify and register generators of hazardous waste at farms and businesses below the business plan threshold.

Cal/EPA and DTSC response: Completing inspections was identified as a priority for April through October 2007. Cal/EPA will continue tracking this progress.

Deficiency #12: As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process.

Cal/EPA and OES response: Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

The evaluation team and the CUPA discussed possibly increasing the revenues by a number of actions. The actions discussed included:

- Assessing an hourly fee for the re-inspection of businesses. The CUPA may want to consider tying assessment of the fee to the compliance at the end of routine re-inspections. The CUPA has the statutory right to conduct re-inspections, and has chosen to do so to affect better protection of the environment.

- The need to increase regularly assessed and collected fees, and the corresponding staffing levels. It was noted that the CUPA currently has 1 full time employee, one half time clerical and one 3/5 time temporary inspector. Fee increases could be implemented with allocation of work to include maintenance of the part-time inspector as well as an environmental health technician level staff to be used to identify currently unregulated businesses.

Identification of new businesses will initiate billing and increase revenues. Any fee increases may want to be presented to the Board of Supervisors as a temporary schedule allowing the CUPA only to meet minimum inspection standards, with workloads to be reassessed once the base workload has been established.

- A comparison of the fee schedules used by the CUPA as well as neighboring CUPAs as well as CUPAs which are similar in size and types of businesses regulated. The CUPA was provided with examples of fee schedules.

CUPA Representative

RAYMOND RUMINSKI

(Print Name)

Raymond Ruminski

(Signature)

Cal/EPA Representative

JoAnn Jaschke

(Print Name)

JoAnn Jaschke

(Signature)